

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVIN L. MONROE,

Defendant.

Case No. 94-cr-40010-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on a mandate from the Court of Appeals for the Seventh Circuit (Doc. 231) remanding this case at the request of the Government. This Court originally found defendant Marvin Monroe ineligible for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guideline Manual § 1B1.10 because it believed he was sentenced based only on powder cocaine. On appeal, the Government confessed this was error and asked for a remand. In light of the mandate, the Court **VACATES** its order dismissing Monroe's motions for a reduction (Doc. 224), **REINSTATES** those motions (Docs. 211 & 220), and **ORDERS** the Government to respond to those motions on or before April 15, 2011. Should the government fail to respond, the Court will construe that failure as an admission that Monroe is eligible for a reduction in sentence and that the Government does not oppose the reduction as requested in Monroe's motions.

IT IS SO ORDERED.
DATED: April 4, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE